

10/688,624

8

BOE 0432 PA

REMARKS

The Applicants have carefully considered the Examiner's comments in the Office Action dated May 24, 2004. Claims 1-30 currently stand rejected in the Office Action. Claims 1-30 and new claims 31-41 are now pending in the application. Claim 14 has been amended only to improve its claim form. In amending and adding claims, Applicants assert that no new matter has been added to the application. Applicants respectfully request reconsideration by the Examiner.

Claims 1-6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states on page 2 of the Office Action that "hoop-like" as recited in claim 1 is vague and indefinite. Applicants respectfully traverse the rejection.

Applicants assert that "hoop-like" as an adjective modifying the term "structure" is definite and not vague, sufficiently meeting the requirements of 35 U.S.C. 112. Furthermore, the "hoop-like structure" is depicted or partially depicted in Figures 2-9. Without limiting the scope of the claims and without importing any limitation into the claims, Applicants would like to bring to the attention of the Examiner that structures having hoop-like features are cited in many dictionaries, e.g., croquet wickets or hoop-back chairs are examples of hoop-like structures. Therefore, a person having ordinary skill in the art could understand the "hoop-like structure" and interpret the metes and bounds of the claims.

In the Office Action, claims 1, 5-8, and 11-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Alie* (4,645,145) in view of *Flamand et al.* (3,405,893). Applicants respectfully traverse the rejection.

Claim 1 requires an architectural archway having a curved inverted hoop-like structure with two spaced apart end members, the structure adapted to fit inside the fuselage and be positioned on the floor member with the end members positioned on the floor member on opposite sides of the fuselage. The *Alie* reference does not disclose or depict an architectural archway. The Examiner states referencing Figure 3, "*Alie* discloses an aircraft having architectural archways with an upper crown portion, and floor member. The archways are curved with two spaced apart end members within the fuselage." While it is true that the *Alie* reference depicts two spaced apart – panel members – in its partial out-away perspective view of Figure 3, *Alie* does not disclose an architectural archway having a curved inverted hoop-like

10/688,624

9

BOE 0432 PA

structure with two spaced apart end members. Furthermore, the *Alie* reference does not teach or suggest an architectural archway. Likewise, the *Flamand et al.* reference does not teach or suggest an architectural archway. Therefore, even if *Alie* and *Flamand* references are combined, they fail to teach or suggest an architectural archway. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn as *Alie* in view of *Flamand* fail to teach or suggest each and every element of claim 1.

Claim 5 is also believed to be allowable since it is dependent from independent claim 1. Furthermore, claim 5 requires a lavatory positioned in the archway structure adjacent one of the end members. The *Alie* reference teaches a lavatory positioned between two sets of – panel members –. The *Alie* reference fails to teach or suggest a lavatory positioned in the archway structure adjacent one of the end members.

Claim 6 is also believed to be allowable since it is dependent from independent claim 1. Furthermore, claim 6 requires a flight attendant seat member positioned in the archway structure. The *Alie* reference teaches a flight attendant seat member positioned between two sets of – panel members –. The *Alie* reference fails to teach or suggest a flight attendant seat member positioned in the archway structure.

Claim 7 requires a pair of architectural archways. Each of the archways has an inverted curved structure with a curved central portion and two spaced apart leg members, and each of the leg members has an end member adapted to be positioned on the floor member. The archways are adapted to be positioned in the aircraft adjacent to and framing a door member. The *Alie* reference does not disclose or depict an architectural archway, as mentioned above. The Examiner further states referencing Figure 3, "Furthermore, the archways are positioned adjacent to and framing a door member." While it is true that the *Alie* reference depicts two sets of two spaced apart – panel members – positioned adjacent to and framing a door member in its partial cut-away perspective view of Figure 3, the *Alie* reference does not disclose archways adapted to be positioned in the aircraft adjacent to and framing a door member. Furthermore, the *Alie* reference does not teach or suggest a pair of architectural archways. Likewise, the *Flamand et al.* reference does not teach or suggest a pair of architectural archways. Therefore, even if *Alie* and *Flamand* are combined, they fail to teach or suggest a pair of architectural archways. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103(a) be withdrawn as *Alie* in view of *Flamand* fail to teach or suggest each and every element of claim 1.

10/688,624

10

BOE 0432 PA

Claim 8 is also believed to be allowable since it is dependent from independent claim 7. Furthermore, claim 8 requires the end members of each of the archways are adapted to be positioned on the floor member on opposite sides of the fuselage. The *Alie* reference teaches sets of – panel members – adapted to be positioned on the floor member. The *Alie* reference fails to teach or suggest the end members of each of the archways are adapted to be positioned on the floor member on opposite sides of the fuselage.

Claim 11 is also believed to be allowable since it is dependent from independent claim 7. Furthermore, claim 11 requires at least one integral passageway in the archway structure for passage of a system component of the aircraft. The Examiner states that the *Alie* reference teaches, "[T]he passageway allows the passengers or personnel to put a system component (such as a toilet seat for example) to a room that is made up by the fuselage and the archways." However, while it may be true that system components (such as a toilet seat for example) are shown in *Alie* as the Examiner now presents, the system components as described in the specification and claims are different from that meaning to what the Examiner now asserts. The *Alie* reference fails to teach or suggest at least one integral passageway in the archway structure for passage of a system component of the aircraft.

Claim 12 is also believed to be allowable since it is dependent from independent claim 7. Furthermore, claim 12 requires a lavatory positioned in at least one of the archway structures. The *Alie* reference teaches a lavatory positioned between two sets of – panel members –. The *Alie* reference fails to teach or suggest a lavatory positioned in at least one of the archway structures.

Claim 13 is also believed to be allowable since it is dependent from independent claim 7. Furthermore, claim 13 requires a flight attendant seat member positioned in at least one of the archway structures. The *Alie* reference teaches a flight attendant seat member positioned between two sets of – panel members –. The *Alie* reference fails to teach or suggest a flight attendant seat member positioned in at least one of the archway structures.

In the Office Action, claims 3 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Alie* (4,645,145) in view of *Flamand et al.* (3,405,893) in further view of *Brill* (4,876,828). Applicants respectfully traverse the rejection.

Claim 3 is also believed to be allowable since it is dependent from independent claim 1. Furthermore, claim 3 requires the archway has a cross-sectional shape selected from the group

10/688,624

11

BOE 0432 PA

of V-shaped, U-shaped and semi-circular shaped. Applicants agree with the Examiner that the *Alie* and the *Flamand* references do not disclose the cross sectional shape selected from the group of V-shaped, U-shaped and semi-circular shaped. The *Brill* reference teaches arched, translucent covers for sport grounds, swimming pools, hothouses and the like. The *Brill* reference teaches the arched cover is comprised of panels interconnected by ribs bent into arcuate shape from channels. The *Brill* reference fails to teach or suggest the archway has a cross-sectional shape selected from the group of V-shaped, U-shaped and semi-circular shaped. Furthermore, the Examiner has failed to show or suggest how it would have been obvious to one skilled in the art to combine the teachings of the *Brill* reference with the teachings of the *Alie* and the *Flamand* references.

Claim 10 is also believed to be allowable since it is dependent from independent claim 7. Furthermore, claim 10 requires the archway has a cross-sectional shape selected from the group of V-shaped, U-shaped and semi-circular shaped. Applicants agree with the Examiner that the *Alie* and the *Flamand* references do not disclose the cross sectional shape selected from the group of V-shaped, U-shaped and semi-circular shaped. The *Brill* reference teaches arched, translucent covers for sport grounds, swimming pools, hothouses and the like. The *Brill* reference teaches the arched cover is comprised of panels interconnected by ribs bent into arcuate shape from channels. The *Brill* reference fails to teach or suggest the archway has a cross-sectional shape selected from the group of V-shaped, U-shaped and semi-circular shaped. Furthermore, the Examiner has failed to show or suggest how it would have been obvious to one skilled in the art to combine the teachings of the *Brill* reference with the teachings of the *Alie* and the *Flamand* references.

In the Office Action, claims 2, 4, and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Alie* (4,645,145) in view of *Flamand et al.* (3,405,893) in further view of *Brill* (4,876,828) and *Robillard et al.* (3,330,506). Applicants respectfully traverse the rejection.

Claim 2 is also believed to be allowable since it is dependent from independent claim 1. In addition, claim 2 is believed to be allowable for the same arguments made above with respect to the *Brill* reference. Furthermore, claim 2 requires the archway to be hollow and is adapted to run system components between the upper crown portion and the lower lobe portion. The system components being electrical wires, water lines or conditioned air ducts. Applicants agree with the Examiner that the *Alie*, *Flamand*, and *Brill* references do not disclose the archway to be hollow and is adapted to run system components between the upper crown

10/688,624

12

BOE 0432 PA

portion and the lower lobe portion. The *Robillard et al.* reference teaches system components that run thru a hollow passage way of an upper crown portion of an aircraft. The *Robillard* reference fails to teach or suggest the archway to be hollow and is adapted to run system components between the upper crown portion and the lower lobe portion. Furthermore, the Examiner has failed to show or suggest how it would have been obvious to one skilled in the art to combine the teachings of the *Brill* and *Robillard* references with the teachings of the *Alie* and the *Flamand* references.

Claim 4 is also believed to be allowable since it is dependent from independent claim 1. Claim 4 is also believed to be allowable for the same reasons set forth above with respect to claim 2.

Claim 9 is also believed to be allowable since it is dependent from Independent claim 7. Claim 9 is also believed to be allowable for the same reasons set forth above with respect to claim 2.

In the Office Action, claims 14-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Alie* (4,645,145) in view of *Flamand et al.* (3,405,893) in further view of *Brill* (4,876,828) and *Robillard et al.* (3,330,506). Applicants respectfully traverse the rejection.

In the Office Action, the Examiner sets forth the same arguments for the rejections of claims 14-16, 19-21, 24-26, and 29-30. Accordingly, Applicants believe that claims 14-16, 19-21, 24-26, and 29-30 are allowable for the reasons stated above with respect to claims 1-13.

Claims 17, 18, 27, and 28 are also believed to be allowable since they are dependent from independent claim 14. Furthermore, claims 17, 18, 27, and 28 each require a portion of the support system conduits are also positioned in or passed through the archway member. The cited references fail to teach or suggest a portion of the support system conduits are positioned in or passed through the archway member. Furthermore, the Examiner has failed to show or suggest how it would have been obvious to one skilled in the art to combine the teachings of the *Brill* and *Robillard* references with the teachings of the *Alie* and the *Flamand* references to have a portion of the support system conduits positioned in or passed through the archway member.

Claims 22 and 23 are also believed to be allowable since they are dependent from independent claim 14. Furthermore, claim 22 requires the archway member is utilized as a divider to separate the passenger portion into two separate sections. Likewise, claim 23

10/688,624

13

BOE 0432 PA

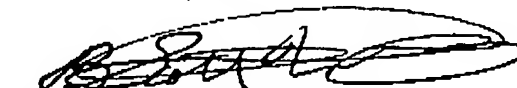
requires the archway member is utilized as a divider to separate the passenger portion from at least one flight service portion. The *Alie* reference teaches sets of -panel members - to act as divider to separate portions. The *Alie* reference fails to teach or suggest archway members utilized as a divider. Furthermore, the Examiner has failed to show or suggest how it would have been obvious to one skilled in the art to modify the teachings of the *Alie* reference as presupposed.

Accordingly, in view of the foregoing Remarks, the Applicants submit that claims 1-30 are allowable and in a proper condition for allowance. Moreover, Applicants submit the newly added claims 31-41 are also allowable and in proper condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited.

The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Please charge any fees required in the filing of this amendment to Deposit Account 50-0476.

Respectfully submitted,
ARTZ & ARTZ, P.C.



R. Scott Vincent (Reg. No. 55,771)
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Date: Aug. 20, 2004